



THE CITY OF NEW YORK
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June 15, 2022

BY ECF

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Jennifer Crespo, et al., v. City of New York, et al.,
22-CV-2693 (BMC)

Your Honor:

I am the attorney in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. Defendant writes to respectfully request: (1) a sixty (60) day enlargement of time, from June 28, 2022 until August 26, 2022, to respond to the Complaint; (2) the Court *sua sponte* enlarge the time for defendants Laurene Bove, Joseph Ieraci, Zachary Cullen, Angelo Pirozzi, Jose Vargas, and James Fenko to respond to the Complaint until August 26, 2022; and (3) adjourn the initial pre-trial conference presently scheduled for June 24, 2022 at 10:30 a.m. This is the first request for an adjournment of the aforementioned deadlines, and plaintiffs' counsel consents to these requests.

By way of background, plaintiffs Jennifer Crespo, Amy Crespo, Mayra Crespo, and Angel Crespo filed the Complaint in this action on May 9, 2022 alleging, *inter alia*, that, on May 9, 2019, the defendant New York Police Department ("NYPD") Officers unlawfully entered their home, falsely arrested them, and subjected them to excessive force. See generally Compl. According to the Civil Docket Sheet, defendant City of New York was served on June 7, 2022 and its response to the Complaint is due by June 28, 2022. See Civil Docket Sheet, Entry No. 7. Additionally, according to the Civil Docket Sheet, defendants Bove, Cullen, Fenko, Ieraci, Pirozzi, and Vargas were served on June 13, 2022 and their response to the Complaint is due by July 4, 2022. See id. at Entry Nos. 8-13.

As an initial matter, this Office requests that the Court *sua sponte* extend the time for the individual defendants to respond to the Complaint so that this Office can resolve their representation pursuant to the General Municipal Law. See General Municipal Law § 50(k); Mercurio v. City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

Additionally, this request is also made to allow this Office to investigate the underlying incident. In order to do so, defendant needs to obtain the relevant records regarding the underlying criminal cases including police records, the District Attorney's files, and the Criminal Court files. On June 15, 2022, the parties conferred and plaintiff's counsel provided the undersigned, in accordance with the Court's May 11, 2022 order, with the NYCPL §§ 160.50 and 160.55 releases for plaintiffs Jennifer Crespo, Amy Crespo, and Angel Crespo. As such, more time is needed to obtain and review the aforementioned sealed documents, and respond to the Complaint in accordance with Federal Rule of Civil Procedure 11.

Moreover, the undersigned respectfully requests the Court adjourn the initial pre-trial conference, presently scheduled for June 24, 2022 at 10:30 a.m., to allow this Office additional time to investigate the underlying incident, as set forth above, and be in a better position to meaningfully participate in a Court conference.

For the foregoing reasons, defendant respectfully requests: (1) an extension of time until August 26, 2022 to respond to the Complaint; (2) the Court *sua sponte* enlarge the time for the individual defendants to respond to the Complaint until August 26, 2022; and (3) an adjournment of the June 24, 2022 initial pre-trial conference to another date and time convenient for the Court after the defendants have responded to the Complaint.

The City thanks the Court for its time and attention to this matter.

Respectfully submitted,

Mostafa Khairy /s/
Mostafa Khairy
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY ECF**
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Attorney for Plaintiffs